

1895-064 Chancery Causes: Pennington & Goins] vs. James Dickson &c
Lee Co.

Pennington, Goins, Dixon, Flanary, Woodson, Ball, Kincaid

CA-Debt
T-Property

To the Honorable H. S. K. Morison,
Judge of the Circuit Court of Lee
County, Virginia:

Your orators, E. H. Pennington
and A. M. Goins, partners in the
practice of law under the style
and firm of Pennington & Goins,
on behalf of themselves and all
others alike interested, who shall
come in and contribute to the expen-
ses of this suite, humbly complaining,
show unto your honor; that about
one year ago one Mollie Dickson, of
Claiborne County, Tennessee, departed
this life intestate seised and pos-
sessed of a valuable real estate
situated in Rose Hill Magisterial
district, on the waters of Station
creek, a short distance east of
Cumberland Gap, in this county;
that she left surviving her a hus-
band, James Dickson, and a sister,
Lula Woodson, who is an infant un-
der the age of 21 years old, both
of whom are non-residents of the
State of Virginia; that she left
a very small personal estate in this
county, and that the same, by an order

of the county court of this county has been committed to C. E. Flanary, sheriff of said county, to administer upon; That said Mollie, jointly with her said husband, James Dickson, was, in her lifetime, and at the time of her death, justly and truly indebted to your orators in the principal sum of \$25⁰⁰/₁₀₀, with an arrear of interest thereon, upon and by virtue of her and her said husband's writing obligatory, which said writing obligatory, sealed with their seals, and dated June 16th, 1891, for the securing the payment of the said sum of \$25⁰⁰/₁₀₀, to your orators, with interest on the same one day after the date thereof, is herewith filed, marked "A", and prayed to be considered a part of this bill.

Your orators are informed that said Mollie Dickson was indebted to divers other persons, but to whom, and the amount of each debt, they are not sufficiently advised, as to make them parties to this bill.

Your orators aver that their debt is just and true, and that the same is still due and owing to them.

Your orators are informed and believe that the personal estate of said Mollie Dickson, is wholly insufficient to pay their said debt, or any other of her said creditors'.

Your orators will further show unto your honor that said Mollie Dickson had born to her by her said husband one child, which died in a few hours after its birth; that she left surviving her a sister, Lula Woodson, who is an infant under the age of 21 years old, and a non-resident of this State, and her said husband, James Dickson, who is also a non-resident; that by virtue of the law of the State of Virginia, said real estate, subject however to the debts and liabilities of said Mollie, descends in fee to her said sister, but subject to the life estate of her said husband; and that her personal estate, subject to her debts and liabilities, descends to her said husband.

Your orators are advised that said James Dickson, who is a non-resident of this State, - has disposed of his life estate - in his said wife Molli's real estate, and that he is now hopelessly insolvent.

Now with the representations aforesaid your orators are advised that they are entitled to have the creditors of said decedent convened, her assets marshaled, and their said claim paid out of the same.

Hence the prayer of your orators is that your honor take cognizance of their said cause; that James Dickson, Lula Woodson, and C. E. Flanary, admr., &c, be made parties defendants to this bill; that they be required to answer the same on oath; that an order of publication be made against said non-resident defendants; that a guardian ad litem be appointed for said Lula Woodson; that on a final hearing of this cause judgment be pronounced in favor of your orators for their said debt; that an account be taken of the assets

and liabilities of said estate;
and that all such further and general
relief be granted as the nature of
their cause may demand.

May Spc. issue &c., and they will
ever pray &c.

Pennington & Son,
P. Q.

Jacob Rogers

36
8
180
40

J.P. & G.

Clerk	10. 10	Pol.
G.A.L.	5. 00	Pol.
Cour.	7. 60	Pol.
Dr.	5. 00	Pol.
A	15. 00	Pol.
Estimate	3. 00	

Pennington & Lewis
vs Bill in Chancery

\$45.40

James Dickson & wife

Note Enclosed.

Am't. of Costs of 1st Sale

\$54.40
5.00 = Court Hyatt
2.50 = Estimated

1893 1st Feb'y Rules Bill
filed & accepted by
Chancery Clerk under Seal
against James Dickson
& wife A. L. filed & conta
" 2nd Feb'y Rules Order Rule
Completed D. & Cont. &
Cause set for hearing by
Plaintiff -

M.C. 45 March Term 1895

" March Decree & Cont.
" June Decree & "
1894 Nov Decree & "
1894 Mar "
" June "
" Nov Decree & "
" 1895 March Decree final

200 = Bill by Plaintiff

227

D.B.P. 135

\$114 Rev. Bal
115 Wife H. & L.
227

\$25⁰⁰/₁₀₀

One day after date we promise to pay
Remington & Goins Twenty-five Dol-
lars for value received, waiving our home-
stead as to this note.

Witness our Hands and Seals, this
16th day of June, 1891.

James Dickson (Seal)
Mollie Dickson (Seal)

James Dickson et al

To / Note \$ 25⁰⁰/₁₀₀

Pennington & Gove.

To the Hon. H.S.K. Morrison, Judge of the Circuit Court of Lee County, Va.

The separate answer of C.E. Flanary, administrator of Mollie Dickson, deceased, to a bill in chancery exhibited against him as administrator, as aforesaid, and others, in this Honorable Court by E.W. Pennington and A.M. Goins, partners in the practice of law, under the firm, name, and style of Pennington & Goins.

Respondent saving the benefit of all such exceptions as may be had to said bill for its many mis-statements of fact and errors of law, for answer thereto or to so much thereof as he is advised it is necessary for him to answer, answering says: That it is true that the said Mollie Dickson some time ago departed this life intestate; that at the time of her death she was seised and possessed of a small tract of land situated in this County, she also owned a more valuable tract of land adjoining the Virginia land situated in Claibourne county, Tennessee; that the said Mollie left surviving her, her husband, James Dickson and a sister, Lula Woodson. The personal estate left by the said Mollie Dickson was, as respondent is informed, small and inconsiderable and located in Tenn. No part of it came into respondent's hands.

Respondent supposes it is true that the said Mollie Dickson and her husband James Dickson on the 16th day of June, 1891 executed to the complainants the writing obligatory in the bill mentioned, but respondent denies that said writing obligatory is a charge upon the estate of his decedent, or that the same is in any way liable therefor, because as he is informed and he here avers that the said Mollie was at the date of said writing obligatory, to wit, the 16th day of June 1891, an infant under the age of twenty-one years, and that she continued an infant up to the time of her death. Wherefore said respondent says that the said Mollie was incompetent to contract said debt or to execute said writing obligatory.

Respondent supposes it is true that the said Mollie owed at the time of her death one moiety of the costs of a suit which was instituted shortly before her death by herself and husband for the partition of the lands owned jointly by herself and sister, and that her part of said costs amounted to the sum of about \$61.00. It is true as respondent is informed that the said Mollie Dickson and her husband had born alive as the issue of said marriage one child which only lived a short

time, which birth of issue alive, makes the said James Dickson tenant by the curtesy and vests him with a life estate in his deceased wife's lands. But respondent is advised that this life estate is subject to the payment of the costs of said suit of partition, and he is further advised that the complainants must look to said life estate for the payment of the note sued upon if they expect payment at all.

Respondent has been informed that the said James Dickson sold or attempted to sell his life estate in said lands before the institution of this suit, but if he made such sale there is no evidence of it filed with said bill, no deed has been recorded, and it is subject to the payment, as respondent is advised, not only for the lien of said judgement for costs of partition as aforesaid, but also for the said James Dickson's debts.

Respondent is informed that the said James Dickson sold his life estate in said lands for the express purpose of paying off the costs of said partition suit, that is, his and his wife's part thereof, and also the bond sued upon. And respondent has been informed and he here avers it to be true, that the purchaser of said life estate expressly undertook and bound himself to pay said costs and debt. So respondent is advised that said life estate must first be subjected to the said debts before the reversion or remainder can be touched. But respondent is advised that as said land is subject to the life estate of the said James Dickson that it would be to the interest of said reversioner or remainderman that the proceeds left of said remainder be properly invested for said infant, Lula Woodson. But with this respondent has nothing to do and only gives it by way of information to the Court, [#] And now having fully answered he prays to be hence dismissed &c.

Respondent thinks it proper to state that he only became aware of the facts herein stated during this term of the Court, and for that reason failed to answer heretofore.

*Humson & Hyatt for
Respondent.*

Virginia Lee County, To wit

This day C. E. Flanory personally appeared before me J. A. G. Hyatt a Commissioner or in absence for Lee County and made oath that the facts stated in the foregoing answer as far as made on his own information are true and in so far as made on information derived from others he believes them to be true given under my hand this 9th day of November 1893,

J. A. G. Hyatt, Clerk
in Chy for C. C.

C. E. Flanory Answer to

and G. Answer.

Summington & Son's

Filed in open

Court by leave

thereof Nov. 14/1893

J. A. G. Hyatt, C.

Pennington & Goins Plffs vs
James Dickson et al Defts

To the Hon. H. S. K. Marriam
Judge of the Circuit Court for
Lee County.

The separate answer of
Lulu Woodson by J. A. S. Hyatt
her Guardian ad litem, to a Bill
in Chancery filed in Your Honors
Court against this respondent et
al under the above styled cause
by E. W. Pennington & A. M. Goins

And for answer this respon-
dent says he knows nothing of
the allegations in said Bill and that
his ward is of tender years, hence
incapable of advising the best
course for her interest in this
defense - Therefore Your respondent
respectfully places the rights &
interest of said ward in Your Honors
hands, whose peculiar care it is
to guard well the rights of all infants
and in whose care he is confident
they will be closely protected.

Respectfully

J. A. S. Hyatt Guardian
ad litem for &c

Pennington & Louis
vs G. A. L.
James Dickson et al

Filed 1st Feb'y 1893
J. A. Hyatt

Pennington & Gomis
vs.
James Dixon et al } In Chy.

This cause came on again this day to be heard upon the papers formerly read therein and the report of Comr. A.M. Gomis, filed Feb. 1st, 1895; showing the disbursement of the residue of the funds remaining in his hands originating from the sale of the lands and interests in lands as described in the proceedings in this cause. And said report having been filed for more than 15-days before the first day of this term of this court and the same being unexcepted to, said report and disbursement is hereby confirmed. And

all points in this cause having been fully adjusted, the same is therefore stricken from the docket.

" //

Pennington & Coors

vs } Decree Final

James Dixon et al

O.B.
Page 130

Enter this Decree
this March 5, 1875,
W. J. M.

Pennington & Goins
vs. . } In Chy.
James Dixon et al }

This cause came on again this day to be heard upon the papers formerly read therein and the report of A. M. Goins, who was on a former day of this term appointed a special Commr. for the purpose of making and executing deeds to the purchasers of the lands and the interests in the lands sold by him as reported in his report filed herein on the 22nd day of May, 1894, and was argued by counsel. On consideration of all which, and for reasons appearing to the Court, and there being filed with said report a deed made by A. M. Goins, special Commr. as aforesaid, to W. G. Colson for the life estate of James Dixon in said land, and also a deed to G. W. Ball for the reversionary interest of Lula Woodson in the same land, and there being no exception taken to said report and deeds, it is therefore adjudged, ordered and decreed that said report and deeds be and the same are

Pennington & Gouin

vs. Decree confirming
Deeds.

James Dixon & als

Copied in Chaney
Order Book

Page 57

Enter this decree,

this 8 Nov 1894

M. J. M.

hereby confirmed, and the purchasers are directed to pay to Court Gouin the fees as provided for in a former decree of this court before they withdraw said deeds from the files of this suit. And this cause is continued.

Pennington & Goins
vs
James Dixon et als } In Chy.

This cause came on again this day to be heard upon the papers formerly read therein and the report of Commr. A. M. Goins, filed Oct. 25th, 1894, and was argued by counsel. On consideration of all which, and it appearing from said report of Commr. A. M. Goins that he has collected the purchase money notes arising from the sale of the lands, and interests in the lands, as set forth in the proceedings in this cause, and that he has properly disbursed said purchase money, with the exception of the sum of \$69.06, the residue of the fund arising from the sale of the reversionary interest of Lula Hoodson, which said sum he still holds subject to the future order of this court, it is therefore adjudged, ordered and decreed that said report and disbursements be and the same are hereby confirmed. And said A. M. Goins, who is

hereby appointed a Special Commr. for the purpose, will make and execute to said purchasers each a deed, with covenants of Special warranty, for the respective interest purchased in said land, as set out in his report filed herein May 22, 1894; - that is to say, he will convey to H. G. Colson, with covenants of special warranty, the life estate of James Dixon, and he will convey to G. H. Ball, with covenants of special warranty, the reversionary interest of Lula Woodson. It is further decreed that said Commr. Goins shall be entitled to the sum of \$2.50 for making and executing a deed to each of the foregoing purchasers, and that said sum of \$2.50 shall constitute a lien on the respective interest of each purchaser until said price of \$2.50 for making and reporting said deed shall be fully paid.

Said Commr. Goins will report his action to this court at a

future day of this term, and
this Cause is continued.

—H—

(1)
Remington & Jones

vs { Deceit

James Dixon et al

Recorded in
Chancery Order
Book & Pages 53-

Enter this decree,
this 7 Nov 1894

W. J. M.

Pennington & Goins
 vs. } In Chy.
 James Dickson & al }

This cause came on again this day to be heard upon the papers formerly read therein and the report of Comr. A. M. Goins, filed May 22nd, 1894, reporting the sale of the life estate of James Dickson and the reversionary interest of Lula Woodson, and was argued by counsel. On consideration of all which, and it appearing from said report that it had been filed for more 10 days before the calling of this cause on the docket, and the same being unexcepted to, it is therefore adjudged, ordered and decreed that said report be and the same is hereby confirmed.

It is further adjudged, ordered and decreed that if the purchase money notes set out in said report be ~~not~~ paid at maturity, then and in that event said A. M. Goins is hereby empowered to take such action as may be

as may be necessary to force
their collection by law.
And this cause is ~~continued~~,

(11) //

Cumington & Jones

vs { In Chy.

James Dickson & Co

Entered on Chy & Co Book & P. 8

Endorsed this decree,

this 9th June 1894.

W. J. M.

Pennington & Goins

vs.

James Dickson et al.

} In Chy.

This cause came on again this day to be heard upon the papers formerly read therein and the report of Comr. J. A. G. Hyatt filed Feb. 23, 1894, and depositions therewith, and was argued by counsel. On consideration of all which, and for reasons appearing to the court, it is adjudged, ordered and decreed, that the report of Comr. Hyatt be read and the same is hereby confirmed. And it appearing from said report that James Dickson is the owner of a life estate in the land in the bill and proceedings mentioned in this cause, and it further appearing that the debts reported by the Comr. in this cause are liens on said life estate, and that said life estate will not sell for more than enough to satisfy said liens, and that the sale of said life estate by itself alone will probably prove prejudicial to the interest of the infant owner of the reversion, it is therefore adjudged,

ordered and decreed that the sale of the reversionary interest in said land as made by Comr. A. M. Goins and reported by him in his report filed in this cause on the 18th day of Oct., 1893, be and the same is hereby set aside, annulled and vacated, and said Comr. Goins is directed to deliver up to said purchaser at said sale ~~and by him~~ the purchase money note executed by the purchaser for the deferred payment of the purchase money, and he will also repay to said purchaser the amount paid down at said sale, the same being the costs of suit and the commissions of sale, which sums were required to be paid in hand at the time of purchase.

It is further adjudged, ordered and decreed that if the liens as reported by Comr. J. A. G. Hyatt in his report filed in this cause on the 10th day of May, 1893, together with all interests and costs, be not paid ^{to those entitled thereto} within 10 days from the entering of this decree, then A. M. Goins, who is hereby ap-

appointed a special Commr. for the purpose, after advertising the time, terms, and place of sale for at least 30 days, at the front door of the court-house, in the neighborhood of the land, and at such other places as he may deem proper, proceed to sell, to the highest and best bidder, on a credit of six and twelve months time, except a sufficient sum to pay the costs of this suit and the commissions of this sale, which sums he will require to be paid in hand, (1), the life estate of James Dickson by itself alone; (2), the reversionary interest of Lula Woodson by itself alone; and (3), the life estate of James Dickson together with the reversionary interest of Lula Woodson jointly. Said Commr. will report to this court at its next term the highest and best bid offered to him in each of the three foregoing instances; and if it be ascertained ^{by said court} that a sale of said two interests separately will be to the advantage of the owners thereof, then ~~said court~~ ^{her} ~~commr.~~

~~and so~~ will so sell the same;
but if he ascertains that a
sale jointly will be to their ad-
vantage, ^{then} he will ~~so sell~~ ^{sell said interests jointly.}

Before entering upon the
duties ~~of~~ conferred upon him as
said Comr., ~~he~~ ^{said Goins} will execute
before the clerk of this court
a bond in the penal sum of
\$800 for the faithful perform-
ance of his duties as said Comr.,
as required by Law.

For the deferred payments said
Comr. Goins will take notes
payable to himself as said
Comr., with good and ap-
proved personal security, and
when said notes become due
and payable he is hereby
empowered to institute such
proceeding as may be necessary
to collect said notes.

It is also decreed that the
life estate of James Dickson
be first applied to the pay-
ment of said liens, costs, and
commissions, and if ~~the~~ ^{said life estate} ~~be~~
be not sufficient to ^{fully pay} these
debts, then the remainder

Thereof said Comr. will pay
out of the proceeds of the rever-
sionary interest of Lula Wood-
son,

Said Comr. Goins will re-
port his action to a future
term of this court and this
cause is continued.

CH

Pennington & Gains

vs { Deere

James Dickson & al.

Emmett S Chy Bone

Page 582

March 14
1894

Enter this

March 14 1894

H L R M

6 + 12 mos.

Estimated costs \$50

commissions =

Summington & Goins

vs

James Dickson. et al

This cause came on again this day to be heard upon the papers formerly read, the report of A. M. Goins special Commissioner, ~~and~~ ^{and} exceptions thereto the answer of C. E. Flannery Administrator, of Mollie Dickson, deceased, filed ~~on~~ the 14th day of November 1893 and was argued by counsel. And it appearing from the answer of said Flannery that the several debts in the bill and proceedings mentioned are liens not only on the reversionary interest of the heirs of Mollie Dickson deceased in the lands described in the bill, but also upon the life estate of James Dickson in said lands. And the Court being of opinion that said life estate is primarily liable for said debts it is adjudged ordered and decreed that the sale made by Commissioner A. M. Goins on the 23rd day of August 1893. be and the same is hereby set aside, and it is further adjudged ordered and decreed that unless the said James Dickson or some one for him shall within 30 days from this date pay to those entitled thereto the several debts ascertained and reported by leave

J. A. G. Hyatt, then it shall be the duty
of said commissioner to sell
the land in the bill and proceedings
mentioned or enough thereof to pay said
debts and the costs of this suit. Said com-
missioner to sell will first sell said
life estate and if it sells for money suf-
ficient to pay said debts ^{and the costs of this suit}, he will not sell
the reversion. but should said life estate
fail to sell for a sum sufficient to pay said
debts and costs then he will sell said en-
tire tract of land including said life
estate. Said sale shall be made at the
court house door of Lee County on a court
day to the highest bidder, and upon a credit
of six months except a sum sufficient to
pay costs of suit and sale which must
be paid down in cash, before proceed-
ing to sell said commissioner will ad-
vertise the time times and place of sale
for 30 days, by posting written notices
at two public places in the neighborhood
of said land and another on the court
house door of this County. Said commis-
sioner will report his proceedings here-
under to a future term of this court and
this cause is continued

Wm. A. Carter

Enter this Decem,
this Nov, 1893

Pennington & Lewis
vs
James Dixon & als

Pennington & Goins
vs. { In Chancery.
James Dickson et al.

This cause came on again
this day to be heard on the papers
formerly read, the report of A.M.
Goins special Commissioner filed
on the 18th day of October, 1893. and
exceptions thereto, the answer of B. E.
Flannery Admr. of the Estate of Hollie
Dickson, deceased, and general rep-
lication thereto, on consideration
whereof and the court deeming it
necessary, it is adjudged, ordered
and decreed that J. A. B. Hyatt, one
of the commissioners of this court,
will make the following inquiries:
1st Whether or not James Dickson is
entitled as tenant by the curtesy to
a life estate in the land in the bill
and proceedings mentioned.
2. If said Dickson is entitled to said life
estate, what disposition of it, if any, he
has made, the terms thereof, when he sold
it, if he has sold it, to whom, whether by
deed or bond, and and whether the same
has been recorded, and if so, when.
Said Commr. Hyatt will report his
action to the next term of this court.
And this cause is continued.

Gunnington & Gomis

vs } Decree.

James Dickson
+ al.

Entered Ch. OB p 5-42.

Nov 17th 1893.

Enter this decree
this Nov 17, 1893,

H. S. K. M.

8th Feb 1894 set
to take this ad

Pennington & Goins, - - - Complt.
vs. In Chancery

James Dickson & als, Defts.

This cause came on again this day to be heard upon the papers formerly read therein and the report of Comr. J. A. G. Hyatt, filed on the 10th day of May, 1893, said report being unexcepted to the same is hereby confirmed. On consideration of all which and for reasons appearing to the Court, it is adjudged, ordered and decreed that the parties mentioned in said report and Statement "L" do recover from said E. E. Flannery admr of the Estate of Mallie Dickson the sums shown to be due to each, and that said Pennington & Goins recover also their costs in this suit; and if said sums of money shown to be due to each of the parties mentioned in Statement "L" of Comr. Hyatt's report be not paid in 30 days from this date then A. M. Goins who is hereby appointed a special Comr. for the purpose, after advertising the time times & place of sale for 30 days at the front door of the Court-house of San County, and in the neighborhood of said land and such other places he may deem proper, on some Court day at the front door of the Court-house

of the county at public outcry and
 to the best and highest ^{bidders}, he will
 see the interest of which said Mollie
 Hickman died seized & possessed in the
 lands & proceedings mentioned or so
 much thereof as may be necessary
 to pay said sums of money and
 the costs of this suit. ~~He said that~~
 He will see said land on a credit
 of six months except a sum suf-
 ficient to pay the costs of this suit
 and the commissions of sale which
 he will require to pay down. For
 the deferred payment he will take
 bond payable to himself bearing interest
 from date of sale with good personal
 security. But before executing the
 terms of this decree said Gains will
 execute bonds in the penalty of \$250
 before the clerk of this Court & condition
 to faithfully perform his duties as such
 clerk. And he will report his ac-
 tion to court and this cause is con-
 tinued.

Wilmington & Gains
 vs { decree for sale

James Dickman &
 Entered on O. B.
 Page 496, June 9, 1893
 J. A. G. Bryant &
 J. A. G. Bryant &

Enter this
 June 9th 1893
 H. D. W. M.

Perminington & Guine, - - Complt
vs. $\frac{3}{4}$ In Chancery
James Dickson & als, - - Defts.

This cause came on this day to be heard upon the Bill of the complainants and exhibits therewith filed, and was argued by counsel. And it appearing that process has been duly served upon the resident defendant C. E. Flanary, Adm^r, &c., for more than 15 days before the first day of this term of the court, and that order of publication has been made according to law against the non-resident defendants, and they failing to appear and answer, on motion of the compts the court doth take their said Bill for confessed. On consideration of all which, and for reasons appearing to the court, it is adjudged, ordered, and decreed that J. A. G. Hyatt, one of the commissioners of this court, after advertising the time and place of his sitting, by written advertisements, for 20 days, posted at such places as he may deem proper, do take, state

and settle the administration account
of C. C. Flannery, Admr. of Mollie
Dickson, deceased, charging him
with what did, or what lawfully
ought to have gone into his hands
as such administrator, and giving
him credit for all proper disburse-
ments. And he will also convene
the creditors of said decedent
and ascertain the indebtedness
of said estate, to whom due,
and the priorities thereof, if any
exist. He will further ascertain
whether or not the rents and
profits of said decedent's real
estate will in five years pay
his indebtedness, the interest
thereon, and the costs of this suit.
And he will report any other matter
deemed pertinent by himself or
requested by any of the parties
to be stated. And this cause
is continued.

Perminington & Gains

vs. { Deceit No. 1.

James Dickson & als

Entered Chy Ord. Book
p. 446. March 9th 1893
J. A. G. Hyatt Clerk

Enter this.

H. S. M.

March 9/893

The depositions of George W. Ball and others taken before the undersigned J.A.G. Hyatt, Special Commissioner in the cause of Pennington and Goins vs. James Dixon and others, on the 20th day of February 1894, in a matter of account pending before said Commissioner.

G.W. Ball, a witness of lawful age being first duly sworn, deposes and says: I am the guardian of Lula Woodson the infant defendant in this suit. James Dixon married Mollie Woodson, a half sister of my ~~next~~ ward, there was issue of said marriage one child which was born alive. Said child only lived a few hours, and some time after its death its mother the said Mollie died intestate leaving no child, but her husband the said James Dixon survivor. At the time of the marriage of Dixon with the said Mollie, and at the time of her death the Va. land of the said Mollie and Lula were in the possession of Rufus Loftice who had rented the same from Wm. Hoskins, guardian of the said Mollie and Lula.

I am well acquainted with the lands laid off and assigned to the said Mollie in Va. There is about 45 acres of the same, about 12 acres of which is cleared, the balance is very rough. I am decidedly of the opinion that it will be to the interest of the said Lula that the fee simple of the said land be sold and after paying the debts against it that the remainder of the proceeds be invested properly for the said Lula, because the said James Dixon, who claims to be the life tenant is a very young man and if he ~~should~~ ^{hold} the land on any other person under him until his death it is very probable that it would be entirely worn out and worthless. And further this deponent saith not.

G. W. Ball

S. C. Kincaid another witness of lawful age, first being duly sworn, deposes and says:

I am well acquainted with the lands laid off and assigned to Mollie Dixon in this state. There is about 45 acres of this land. Of this there is twelve or fifteen acres cleared, the remainder is very rough and steep. I am acquainted with the condition of the said Lula and think that it would be to her interest that the fee simple of this land be sold, and that after the debts are paid that the remainder be invested for her as her best interest demand. I am of this opinion because James Dixon

who claims to be the life tenant is a very young man, and if he should live for a number of years as is very probable, the said land will be almost or entirely worthless.

And further this deponent saith not.

S. C. Kinscull

The foregoing depositions were taken before me at the place & time mentioned in the Caption sworn to and subscribed by the witnesses in due form, I now under my hand this 20 Feby 1894

J. A. Hyatt Commissioner

Pennington & Hoins

vs ³ Depo

James Dickson et al

"D"
"

Pennington and Gains
vs

Plffs

vs
Defts

James Dickson et al

Defts

To the Hon. H. S. K. Morrison
Judge of the Circuit Court for Lee
County.

Your undersigned Commissioner
in obedience to the requirements of
a decree entered in the above styled
Cause, March 9th 1893, After having
given ample notice the required
time ^{by} ^{notices} ~~posting~~ at the Court House door
at Gibson's Station, Walnut Hill
and Cumberland Gap Tenn, said
notices called on all creditors
to present their Claims before
me at my office in the town
of Jonesville Va. on the 10 day
of May 1893, and also asked
E. C. Flannery Admr. of Mollie
Dickson decd to lay before
me his account as such
Admr; And on said day
said Admr, reported to me
that he never received any
thing as such Admr, hence
no settlement could be made.
And no one presented any
Claims except those as shown

in list herewith filed marked "L."
The first one is for the note
herein sued on and amounts
including interest down to June 1st
1893 to the sum of \$27.93
and to which I add the estimated
costs of this suit 50^{43/100}¢ making
a total of \$78.00,

The second and only other claim
listed is one in favor of the officers
of this Court, which is one half
the legal fees for partitioning the
lands of said decedent and
amounts to \$61.81, and the
total claims reported amount
to \$139.81,

The said James Dickson heirs
by his marriage and having live
issue by said decedent a life estate
in her lands, and has sold
the same, hence her lands
have no rental value - and
it becomes necessary to sell
the reversionary interest in said
lands to satisfy these claims

Respectfully submitted
J. H. Hyatt
Clerk

Pennington & Coins
vs. Course
Report

James Dickson et al

Filed May 10/893
J. A. Hyatt & Co

Course fee \$7.50

Pennington & Goins,
vs. } In Chancery.
James Dickson & als. }

To the Hon. H. S. K. Morrison, Judge
of the Circuit Court for Lee County, Va.
Your undersigned Special Commissioner reports, that, in pursuance
of a decretal order entered in the
above styled cause on the 9th day
of June, 1893, of your honor's court,
he, on the 21st day of August, 1893, that
being the first day of county court, and
he having first advertised the time,
terms, and place of sale, as di-
rected by said decree, proceeded
to sell, at the front door of the
Court-house, at public out-cry,
the lands in the bill and pro-
ceedings mentioned in this cause
to the highest and best bidder.
And after much crying said
land was knocked off to W. G.
Colson for the sum of \$176⁰⁰/₁₀₀,
he being the highest and best bid-
der, As required by the terms of
said decree, said purchaser paid
your court. in hand \$54.40, an
amount necessary to cover the
commissions of sale (\$8.80) and

the costs of this suit (\$45.60), and for the deferred payment he executed to your Court. His bond for the sum of \$121.60, due in six months, bearing interest from date of sale, with Sam Pierman as his security.

The commissions arising from this sale and the costs of this suit have been paid to those to whom due, as may be seen from the receipts herewith filed.

All of which is respectfully submitted, this 16th day of Oct., 1893,

A. M. Goins,
Special Comr.

This report and sale are expected to be
cause said revision is not subject to
sale until the life estate is subjected
Nov 14th 1893. C. T. Dunsmuir for
C. E. Flannery Admr & Co.

Pennington & Gains

vs. { Court's Report of
Sale.

James Dickson & Co.

Filed Oct 18th 1893.

A. B. Munsey C.

Pennington & Co. Plffs
vs
James Dickson et al Defts
In Chancery
To the Hon. W. S. K. Morrison
Judge of the Circuit Court for
Lee County.

In Obedience to the require-
ments of a decree entered in
the above styled Cause on
the 17th Novr. 1894, Your
undersigned Commissioner
gave notice and caused the
parties in interest in this
Cause to come before him
in his office in the town
of Jonesville Va, on the
13th day of February 1894.

Whereupon Your Court
became satisfied from the
Statements of Geo. W. Ball,
James Hoskins and
Fry, that James Dickson
became justly and legally the
owner of a life estate in the
land in the bill and proceedings
mentioned. And said
Fry exhibited before your
Commissioner a deed made
by said Dickson to him

for said land, said deed seemed to be in good form except that the word seal did not appear in the body of said instrument nor at the end of the grantors name, but had a proper acknowledgement before a proper officer and showed to have been recorded in the ~~County~~ Registers office of the County of Blaine State of Tenn. Said parties were on some terms of compromise of the matters of difference in this suit, and on said day agreed to reassemble before me on the 20th Feby 1894, to which time I continued the investigation. And on this the 20th day of Feby 1894. no one except Mr. Geo. W. Ball appeared, hence I failed to get the deed before spoken of or a copy thereof to file herewith.

Your Commissioner therefore reports that said deed is not sufficient, and that the same was executed after liens reported in this cause atta-

tacked, or become operative against said land and in no event should hinder the enforcement of the claims herein reported.

It is also apparent that the life estate will not sell for more than enough to satisfy said claims.

~~But~~ the most alarming feature of this case is that Lula Woodson who is the owner of the fee simple interest in this land, is an infant and her rights in said land are most likely to be very much prejudiced, from the land being occupied by reckless persons - until she might get possession thereof -

And in order that her rights be protected, it would certainly be best that her fee simple interest in said land be sold and the fund arising therefrom placed at interest for her benefit - and in support of this view of the

Case, I have taken and file
herewith the depositions of her
Guardians Geo. W. Ball, & S. C.
Trincaud marked "D." all of
which is respectfully submitted.

J. A. Syatt
Carr.

Remington & Cairns
Carrs Report
James Dickson, et al
Filed Feb 23, 1894
A. B. Munroe & Co

Carrs fee 50¢

Pennington & Guins

v. s.

James Dickson & als.

} In Chy.

To the Hon. H. T. Miller, Judge
of the Circuit Court for Lee County, Va.

Your undersigned Special
Commissioner reports, that, in
pursuance of a decretal order
entered in the above styled
cause on the 14th day of March,
1894, of this court, he, on the
21st day of May, 1894 that be-
ing the first day of County
Court, and he having first
advertised the time, terms, and
place of sale, as directed by
said decree, proceeded to sell,
at the front door of the court
house, at public outcry, the
lands in the bill and proced-
ings mentioned in this cause
and as specified in said de-
cree of March 14, 1894, to the highest
and best bidder, on a credit of six
and twelve months, except a suf-
ficient sum to pay costs and
commissions of sale, which were

required to be paid in hand.

Your Commr. exposed for sale:
1st The life estate of James Dickson
in said land, and for which he
received as the highest and best
bid the sum of \$115; 2nd the re-
versionary interest of Lula
Hoodson in said land, and
for which he received as the
highest and best bid the sum
of \$114; and 3rd the life estate
of James Dickson together.

with

the reversionary interest of
Lula Hoodson jointly, and for
which he received as the highest
and best bid the sum of \$200.

Your Commr. being directed by
said decree to sell this land in
the way most advantageous to the
owners thereof, accepted the
bids for the two interests sep-
arately. Said life estate of
James Dickson was therefore
accordingly knocked off to
H. G. Colson for the sum of
\$115, he being the highest and
best bidder. Said reversion-

any interest of Lula Hoodson was likewise knocked off to G. M. Ball for the sum of \$114, he being the highest and best bidder on this interest. Your Hoskins offered the bid of \$200 for the two interests jointly, but as it was seen by your Court that \$200 was not as large a sum as \$115 and \$114 added together, your Court accordingly took said two bids in preference to the one.

Said W. G. Colson having been the purchaser on a former sale in this case of the reversionary interests of Lula Hoodson, and on which sale he paid your Court the sum of \$54.40, as costs of this suit and the commissions of that sale, and said sale having been set aside and your Court directed to repay said sum of \$54.40 to said Colson, which had not yet been done, said Colson accordingly applied said payment of \$54.40 to this his last purchase and

added thereto the further sum of \$8.25, making a total amount of \$62.65, which was the costs and commissions of this suit up to and including the former sale and also the additional costs since that sale of \$2.50 and the sum of \$5.75, the commissions on the sale of said life estate, and for the residue of said \$113, after deducting the sum of \$62.65, which left a balance of \$52.35, he executed to your court, as such, his bond payable six months after date, waiving the benefit of his homestead exemption laws, and with G. W. Ball as his security.

Said G. W. Ball, the purchaser of the reversionary interests of Lula Woodson, paid your court in hand the sum of \$2.85 commission and for the residue of his bid of \$114, he executed to your court, as such, his two bonds, one of

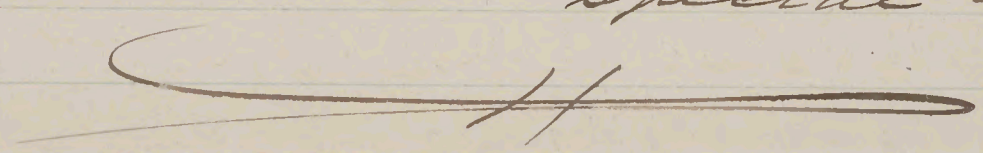
of which was for the sum of \$55,57,
payable six months after date,
the other for the sum of \$55,58,
payable twelve months after
date. Each of these bonds waive
the benefit of the homestead
laws and are signed by
J. H. Hoskins as security.

As directed by said decree,
your court, returned to said
H. G. Colson the note executed
as the deferred payment on
the balance of the purchase price
on the former sale.

All of which is respectfully
submitted, this May 22, 1894,

A. M. Goins,

Special Commr.



Pennington & Gains

vs. { Court. Report of
Resale.

James Dickson
& als.

Filed May 22, 1894.

A B Minsey C.

Pennington & Gomis

vs.

} In Chy.
James Dixon et als }

To the Hon. H. F. Miller, Judge
of the Circuit Court for Lee County,
Virginia.

Your undersigned Special
Commr. here reports, that, at the
March term, 1894, of your hon-
or's court, he was appointed
a Special Commr. for the purpose
of selling certain lands and
interests therein, as set forth
in the proceedings in this cause;
that at the May term, 1894, of
the County court of said county,
he sold said lands and in-
terests therein to the parties,
on the terms, and in the manner
reported by him in his report
filed in this cause on the 22nd
day of May, 1894.

Your Commr. now here
further reports that the deferred
payments of the purchase money
for which said Ball and Colson,
the purchasers, executed their bonds,
as set forth in said former
report of May 22, 1894, were

fully paid to him on the 15th day of Oct., 1894, with interest.

Your comr. here further reports, that after receiving the funds as above stated, he paid all costs and indebtedness, as listed and declared proper by Comr. J. A. G. Hyatt in his report filed in this cause on May 10th, 1893; that on said costs and indebtedness, he first paid out the funds arising from the sale of the life estate of James Dixon, as long as said funds existed, and then out of the funds arising from the sale of the reversionary interest of Lula Woodson, until said costs and indebtedness were fully paid; that after paying said costs and indebtedness, as aforesaid, there still remains in his hands, of the funds arising from the sale of the reversion, the sum of \$69.06, which said sum he holds subject to the future order of this court.

Your Commr. reports that Lulu
Hoodson, who is entitled to the
residue of the funds arising
from the sale of the reversion,
is an infant, under the age
of 21 years old, and that
she has no guardian in
this state; that although G. H.
Ball is referred to by Commr.
Hyatt in his report as her
guardian, he is not such
in this state; as will be seen
by a reference to the records
of this county, but is her guar-
dian in the state of Tennessee.
Your Commr. therefore requests
of your honor, that a guardian
be appointed for said Lulu
in this county, on that some
source be provided whereby
he may ^{legally} turn over or dispose
of the residue of the funds
still remaining in his hands,
to-wit, the \$69.06.

All of which is respectfully sub-
mitted this Oct. 25, 1894.

A. M. Goins,
Special Commr.

Pemington & Gains

vs { Comrs. Report.

James Dixon et al.

Filed Oct. 25, 1894,

A. B. Munsey Clerk.

Pennington & Goins }
vs. } In Chy.
James Dixon et al }

To the Hon. W. F. Miller, Judge of the
Circuit Court for Lee County, Va.

Your undersigned Special Commr.
here reports, in pursuance of a
decree entered in this cause on the
7th day of Nov., 1894, appointing
him a special commr. for the purpose
of making and executing deeds to
the purchasers of the lands and inter-
ests in the lands sold by him as re-
ported in his report filed herein on
the 22nd day of May, 1894, that he has
made and executed to W. G. Colson, with
covenants of special warranty, a deed
conveying to him the life estate of James
Dixon in the lands and premises men-
tioned in this cause, and that he
has made and executed to G. W. Ball
with covenants of special warranty, ^{a deed to} the
reversionary interest of Lula Hood-
son in the same piece of land.
Both of said deeds are herewith
filed marked "C" & "B".

All of which is respectfully
submitted, this Nov. 8th, 1894,

A. M. Goins,

Special Commr.

//

Pennington & Louis

vs { Comrs Report
Needs

James Dixon et al

Filed Nov. 8th, 1894.

AB Manay Clerk.

Pennington & Goins
vs. } In Chy.
James Dixon et al.

To the Hon. W. F. Miller, Judge of
the Circuit Court for Lee County, Va.

Your undersigned Special
Commr. here reports that he has
paid over the \$69.06, the residue
of the fund remaining in his hands
as is shown by his report filed
in this cause on Oct. 25th 1894,
to G. M. Ball, who was on the
13th day of Nov., 1894, appointed
guardian for Lula Woodson,
as will be seen by a reference
to Com. Law order book p. 405.

Respectfully submitted this
Feb, 1st, 1895.

A. M. Goins,
Special Commr.

Pennington & Lewis

os { Cours Report -

James Dixon et al

M.
Filed Feb. 1st, 1895.

AB Minsey
Clerk

[A horizontal line of decorative wavy scribbles.]

Statement showing the indebtedness
of Mollie Dickson deceased, to
whom due &c, as reported up
to May 10th 1893.

1 st	To, Pennington and Goring for note executed to them 16 th June 1891 for	\$25.00	
	" Put thereon to June 1 st 1893	2.93	
	Estimated Cost of this suit	50.07	\$78.00

2	To the officers of the Court for 1/2 Costs of partitioning land as shown by Chcy suit of James Dickson et al vs Luke Woodrow et al	\$61.81	\$61.81
	<u>Total debts reported</u>		<u>\$139.81</u>

List of Letters
"L"

Know all Men by these Presents, That we A M Goins and
S. V. F. Richmond

are held and firmly bound unto the Commonwealth of Virginia, in the sum of Eight
Hundred dollars, to payment whereof, well and truly to be made to
the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs,
executors, and administrators, jointly and severally, firmly by these presents, hereby waiving the
benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to
discharge any liability arising under this bond, or by virtue of said office or trust, in any cur-
rency, funds, counter claims or offsets other than legal-tender currency of the United States.
Sealed with our seals, and dated this 30th day of March
one thousand eight hundred and 94.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound
A M Goins
shall faithfully perform the duties of his office or trust, as Commissioner
under a decree of the Circuit Court of the County of Lee, pronounced on the _____ day
of March, 1894, in the suit therein depending under the name and style
of Pennington & Goins vs James Dixon et al

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the
presence of

A M Goins [SEAL.]

S. V. F. Richmond [SEAL.]

[SEAL.]

In the Clerk's Office of the Circuit Court of the County of Lee.

This day S. V. F. Richmond
surety on the above bond, made oath before me A. B. MUNSEY, Clerk of the Circuit Court
of the County of Lee, that his estate after the payment of all his just
debts, and those for which he bound as security for others, and expect to
have to pay is worth the sum of Eight Hundred
dollars.

Given under my hand this 30th day of March 1894

Teste:

A B Munsey Clerk

A. M. Goins

S. V. F. Richmond

to { COMMISSIONER
BOND.

Commonwealth.

KNOW ALL MEN BY THESE PRESENTS, That we *A. M. Goinis and*

are held and firmly bound unto the Commonwealth of Virginia, in the sum of *Two Hundred and Fifty* dollars, to the payment whereof, well and truly

to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to discharge any liability arising under this bond, or by virtue of said office or trust, in any currency, funds, counter claims or offsets other than legal-tender currency of United States. Sealed with our seals, and dated *9th* day of *July*, one thousand eight hundred and *93*

The Condition of The Above Obligation is Such, That if the above bound *A. M. Goinis* shall faithfully perform the duties of *his* office or trust, as *Commissioner*

under a decree of the Circuit Court of the County of Lee, pronounced on the *9th* day of *June*, 18*93*, in the suit therein depending under the name and style of *Pennington + Goinis* Plaintiff vs. *James Dickson + al* Defendant and properly account for all sums of money *that he* may receive as such *Commissioner*

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

A. M. Goinis (SEAL.)

Geo W Blankenship (SEAL.)

(SEAL.)

In the Clerk's Office of the Circuit Court of the County of Lee

This day *Geo W Blankenship* *A B Munsey* surety on the above bond, made oath before me *L A G Hyatt*, Clerk of the Circuit Court of the County of Lee, that *his* estate after the payment of all *his* just debts, and those for which *he* is bound as security for others, and expect to have to pay *is* worth the sum of

Two hundred + fifty dollars.

Given under my hand this *13th* day of *July* 18*93*

Teste:

A B Munsey Clerk.

Pennington & Sonis

vs. } Bond

James Dickson & al

Filed July 13th 1893

A B Munsey, Clk

Commissioner's Office

Jonesville Va April 20 1893.

Pennington & Goins
vs

Defts 3
3 In Lhey

James Dickson et al Defts 3

Pursuant to the requirements of a Decree entered in the above styled Cause, I will at my Office in the town of Jonesville Va on the 10th day of May 1893, State and settle the Administration account of Chas E. Flannery Sheriff & Tutor of the Estate of Mollie Dickson decd, and will also at same time and place I will list any and all claims properly proven against the Estate of said Mollie Dickson decd, And whether or not the said decedent's real estate will in five Years rent for a sum sufficient to pay said indebtedness, interest and costs of this suit. All persons interested will please take notice hereof.

J. A. S. Hyatt

Commissioner

2 copies

Notice

In the Clerk's Office of the Circuit Court of the Le Co, Va.

against

Pennington & Goins Plaintiff

Defendant

James Dickson & als

This day

A. M. Goins

personally appeared

before me,

J. A. G. Hyatt

Clerk of the said Court,

and being duly sworn, made oath that

James Dickson and Lula
Woodson

defendant in the said suit are not resident of the State of Virginia,

to the best
of his knowledge and belief

Given under my hand as Clerk of the said Court, this

19

day of

January 1893

J. A. G. Hyatt CC

Pennington & Coins

vs.

{ AFFIDAVIT FOR ORDER
OF
PUBLICATION.

James Dickson et al

Pennington & Coins p. q.

Plaintiff

In Chancey

Defendant *Q*

And an affidavit having been made and filed that the defendants James Dickson and
Lula Woodson are _____

....., and that a copy be posted at the front door of the court-house of this
on the first day of the next term of the Court.

p. q.

Clerk.

Pennington & Coines

vs.

}

ORDER OF
PUBLICATION.

James Dickson et al

I certify that I
pasted an office
copy of this order on
Lex Court house
door on the 20th day
of January 1893.
J. A. Skiffette

Virginia

At a Circuit Court continued
and held for Lee County at the Courthouse
thereof September 3rd 1891

James Dickson et al

Plff.

against

Lula Woodson et al

Def.

Dechancy

#

And on consideration of which
and for reasons appearing to the Court
it is adjudged, ordered, and decreed,
that C. B. Johnson, C. W. Ash Thomas

S. Gibson Sr. and J. S. Gibson, who are
hereby appointed Special Commissioners
for the purpose will proceed to partition
the land in the bill mentioned, among
those entitled thereto by assigning to the
defendant Angeline Ball, one third of said land
in rental value for her natural life, and one third
of one third of the same, to the same
defendant in fee simple, and the residue
of said land into two equal moieties
and assign one to the said Lula
Woodson, and the other to the said
female Complainant.

Said Commissioners will assign
said fee simple interest in said
land to said Angeline in fee of her
dower, and also if it is practicable
assign the residue so that each

part shall be on an equal portions
of said dower, and they will report
their action to the next term of
this Court. (And) the Cause is
Continued.

A Copy.

Dea J. A. Hyatt Clerk

a.

For
C. Johnson.
Calson Station Pa

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

James Dickson
Chas. E. Flannery Admr of *Mollie Dickson*
decd, and *Lula Woodson*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in *February* next, being rule day to answer a bill in Chancery exhibited in our said Court
against *them* by *E. W. Pennington and*

A. M. Boins partners in the law
practice under the name of *Pennington & Boins*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *20th* day of *January* 18*93*, in the 11*7* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

(P45)

Pennington & Coins

Spa in chcy
no 3

James Dickson et al

Lo 1st Feby, Rules 1893.

I accept legal
service of this Spa
this Janry. 20th / 1893.

G. E. Flanary

S. L. 6

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

Thomas H. Ball

Evangeline Ball and Lula Hooker

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in *August* next, being rule day to answer a bill in Chancery exhibited in our said Court

against

them

by

James Dickson

*and Mary Dickson who is permitted
to sue by her next friend James
Dickson*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *27th* day of *July* 18*91*, in the 11*th* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

1979

James Dickson et al
res 3 1/2 Spa in Chas
3

Thos. H. Ball et al

To 1st Aug. Rules 1891.

Not executed the
defendants not
being found in
my Bailiwicks
July 28th 1891.

C. E. Flannery S. L. C.

Pennington & Goins

vs Rice & Lehaney

Gas Dixon et al

1875 Mar term Decree final
Q Book 5 Page 135